IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20948 of 1997

Dated: 29-01-2007

Between:

1. Neerugatti Venkata Reddy, s/o Papi Reddy,
   aged about 65 years,
   r/o Neerugattivaripalle,
   Madanapalle town,
   Chittoor District and 2 others.

... Petitioners

and

1. The State of Andhra Pradesh,
   rep. by District Collector,
   Chittoor District and 3 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of the respondents in laying pucca road in Sy.No.138 admeasuring Ac.1-91 cents in B.K. Palle village, Madanapalle Mandal, under 'Janmabhoomi' without acquisition or in accordance with law, as arbitrary and illegal and consequently direct the respondents not to interfere with petitioners rights except in accordance with law.

2. It is the case of petitioners that an extent of Ac.1-91 cents of land in Sy.No.138 of B.K. Palli Revenue village,

Madanapalle Mandal belonged to the great grand father of petitioners and he died leaving his sons namely 1) Sidda Reddy, 2) Papi Reddy, 3) Bhimi Reddy and 4) Erram Reddy. It is stated that Papi Reddy executed a registered relinquishment deed, dated 05-12-1987 in favour of Erram Reddy and the share of Erram Reddy was inherited by his sole son Venkat Reddy, who died about 70 years back, and finally by succession to the property petitioners father had become entitled to Ac.0-59 ½ cents in Sy.No.138. The grievance of petitioners is that respondents 1, 3 and 4, without initiating any acquisition proceedings, in implementation of 'Janmabhoomi' encroached petitioners land and laid metal road from Kadiri road to Siddatha college.

3. Heard learned counsel for the parties.

4. Learned standing counsel for second respondent Municipality,
on instructions stated that there was a road in existence, on which a pucca road was laid by the Municipality and it is further stated by him that petitioners have no right whatsoever in the petition land.

5. The grievance of petitioners cannot be decided by this Court in exercise of the powers under Article 226 of the Constitution of India and it is for them to approach the competent Civil Court and file a suit for declaration, in which, the Court on a thorough examination would decide as to whether petitioners are having any title over the petition lands.
In that view of the matter, I see no merits in this writ petition.

6. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.29-01-2007
GLV